

## EXHIBIT 3a – ENVIRONMENTAL DETERMINATION

### Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the San Miguel Community Plan Update may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.). The FEIR addresses potential impacts on 14 topics: Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Greenhouse Gas Emissions, Hazards/Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Recreation, Transportation, and Wastewater. Mitigation measures are proposed to address these impacts and are included as conditions of approval. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with Agricultural Resources and Land Use. See Exhibit 3b for specific CEQA Findings and overriding considerations.

## EXHIBIT 3b – CEQA FINDINGS AND OVERRIDING CONSIDERATIONS

### I. PROJECT DESCRIPTION

The San Miguel Community Plan Update (CPU), as recommended for revision by the Planning Commission as hybrid map of Alternative #4 to include expansion of the Urban Reserve Line, includes revisions to all chapters of the existing Community Plan, including new and revised goals, policies, and implementing actions to reflect current and specific future needs of the community. The planning horizon of the CPU will be the time period 2016 to 2035. The Final EIR (Section 2.5) for the CPU describes 10 objectives for this project, briefly listed as follows:

1. Achieve orderly growth and development.
2. Harmonize and revitalize.
3. Provide a mix of housing.
4. Plan for infrastructure.
5. Focus on community priorities.
6. Accommodate circulation.
7. Balance the land uses.
8. Keep San Miguel safe and healthy.
9. Promote community identity.
10. Protect natural resources.

The CPU includes a revised land use and circulation plan that encourages infill development in existing neighborhoods and new cluster subdivisions and mixed housing developments east of the railroad. The CPU expands the Urban Reserve Line (URL) and identifies two future expansion areas. The CPU could result in a total buildout of 1,154

residential units and 210,000 square feet of non-residential space (floor area) within the study area by the year 2035.

**Residential Land Uses.** Residential land uses in the community plan area include: Residential Suburban (1 to 5 acres per dwelling unit), Residential Single Family (mixed densities from 2 to 12 units per acre), and Residential Multi-Family (13 to 20 units per acre). To increase housing stock and provide more diverse housing options, the CPU includes several land use changes to allow more high density housing in the existing developed portions of the community. Residential development would be allowed in Commercial Retail areas if it is secondary and incidental to the primary commercial use. Expansion of the URL is proposed east of the Salinas River along the west side of Indian Valley Road. This area of expansion would have a “dual” land use category of Commercial Service (CS) and Residential Single Family (RSF), allowing up to 50 homes.

As shown in Table 3b-1 below (Table 2-2 in the Final EIR), a total of 1,154 residential units could be accommodated in the proposed 20-year growth horizon, up from 737 existing units. Upon buildout of the CPU, the population of San Miguel would be approximately 3,658.

**Table 3b-1 San Miguel Community Plan Update  
Existing and Proposed Land Uses Buildout**

Land Use Category	2015 Baseline Conditions			2035 Plan Horizon			Net Change	
	Res. Units	Comm. (sf)	Acres	Res. Units	Comm. (sf)	Population	Res. Units	Comm. (sf)
Residential Multi Family (RMF)	265	--	67.45	312	--	991	47	
Residential Single Family (RSF)	384	--	186.11	674	--	2,135	290	
Residential Suburban (RS)	88	--	95.13	122	--	388	34	
Commercial Retail (CR)	--	70,000	29.19	46	148,000	144	46	78,000
Commercial Service (CS)	--	11,000	31.17	--	59,000	--		48,000
Industrial (IND)	--	0	18.79	--	3,000	--		3,000
Agriculture (AG)	--	--	102.73	--	--	--	--	--
Open Space (OS)	--	--	81.49	--	--	--	--	--
Public Facilities (PF)	--	--	26.40	--	--	--	--	--
Recreation (REC)	--	--	32.78	--	--	--	--	--
<b>Totals</b>	<b>737</b>	<b>81,000<sup>h</sup></b>	<b>671.24</b>	<b>1,154</b>	<b>210,000</b>	<b>3,658</b>	<b>417</b>	<b>129,000</b>

**Commercial and Industrial Land Uses.** The CPU provides for commercial growth in the San Miguel area through the designation of additional commercial land uses. These areas are identified as Commercial Retail and Commercial Service. The CPU calls for enhancing the central business district with mixed-use development, which would help attract tourists and increase overall commercial activity. Commercial areas near the 10th Street off-ramp, including a large undeveloped parcel west of the highway, would remain focused towards visitor-related services.

The expansion of the URL east of the Salinas River along the west side of Indian Valley Road would have a “dual” land use category of Commercial Service (CS) and Residential Single Family (RSF), in order to allow flexibility in development options. At a minimum, 13 acres of the 51-acre site must be developed as Commercial Service. At the

future applicant's option, the full 51-acre site could be developed as Commercial Service, as a business park and light industrial uses.

*Other Land Uses.* The CPU envisions expansion of the existing library, community center, and San Miguel Community Services District Machado Wastewater Treatment Plant. Circulation and other infrastructure improvements necessary to serve the community are also planned.

## **II. THE RECORD**

For the purposes of CEQA and the Findings IV-VI below, the record of the Planning Commission relating to the propose project includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission during the public hearings on the program.
2. The San Miguel Community Plan Update Final EIR (October 2016).
3. The San Miguel Community Plan Update Staff Report prepared for the Planning Commission hearings of October 13 and 27, 2016.
4. Public Workshops on the San Miguel Community Plan Update (2010 and 2011), and scoping for the Draft EIR in the summer of 2013.
5. Matters of common knowledge to the Commission which it considers, such as:
  - a. The County General Plan, including the land use maps and elements thereof;
  - b. The text of the Land Use Element;
  - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
  - d. The County of San Luis Obispo Environmental Quality Act Guidelines;
  - e. The Clean Air Plan;
  - g. The San Luis Obispo County Public Facilities Financing Plan;
  - h. San Luis Obispo Council of Governments Long Range Socio-Economic Projections
  - j. The Countywide Growth Management Ordinance;
  - k. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
  - l. Additional documents referenced in the Final EIR for the Community Plan Update.
6. Recommendation by the Planning Commission of hybrid map of Alternative #4 to include expansion of the Urban Reserve Line

## **III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT**

The Planning Commission certifies the following with respect to the San Miguel Community Plan Update Final EIR:

- A. The Planning Commission has reviewed and considered the San Miguel Community Plan Update Final EIR.

- B. The Final Environmental Impact Report for the San Miguel Community Plan Update has been completed in compliance with the California Environmental Quality Act.
- C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Community Plan Update.
- D. The San Miguel Community Plan Update Final EIR reflects the independent judgment of the Planning Commission, acting as the lead agency for the project.

#### **IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)**

***The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.***

##### **A. Aesthetics and Visual Resources (Class III)**

**Impact AES-1.** The CPU would not result in aesthetically incompatible site open to public views. Development would be required to comply with CPU design standards, which would reduce impacts to a Class III, less than significant, level.

**Impact AES-2.** The CPU would result in the introduction of new uses within scenic public view areas. Design guidelines and standards would be incorporated into the CPU to address the appearance of future development projects in these areas. This is a Class III, less than significant impact.

**Impact AES-3.** The CPU would result in changes to the visual character of the community. In some areas, visual character and appearances would be improved with new development and infrastructure. In other areas, the appearance would change from a rural character to a more urbanized character. However, development would be required to comply with CPU design standards, which would reduce impacts to a Class III, less than significant, level.

**Impact AES-4.** Under the CPU, growth and development occurring between 2016 and 2035 would result in additional public street lights and private exterior lighting within the community, which could impact views of the night sky. Glare would also result from use of reflective building materials in exterior finish and roofing of new development. However, compliance with existing requirements and proposed Design Guidelines, these impacts would be Class III, less than significant.

**Impact AES-5.** The CPU would result in new development within the proposed URL. This development would not damage any identified scenic resources or unique features within San Miguel. This is a Class III, less than significant impact

##### **B. Agricultural Resources (Class III)**

**Impact AG-1.** Future buildout of the CPU would not result in the conversion of prime agricultural land, as defined by the NRCS. This would be a Class III, less than significant impact.

**Impact AG-3.** Future development under expansion and zoning proposed under the CPU may result in impairment of agricultural use, primarily due to the occurrence of areas designated for urban uses in close proximity to areas designated for agricultural uses. However, compliance with existing County buffer requirements

would reduce potential impacts associated with the impairment of agricultural uses to a Class III, less significant, level.

**Impact AG-4.** The proposed URL expansion and community development that would occur under the CPU would not conflict with existing zoning for agricultural use, or a Williamson Act contract. Impacts would be Class III, less than significant.

**C. Air Quality (Class III)**

**Impact AQ-3.** The CPU would be generally consistent with the transportation control measures and land use and circulation management programs in the 2001 CAP. This impact would be Class III, less than significant

**D. Biological Resources (Class III)**

**Impact BIO-7.** The CPU would not conflict with any provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. There would be no impact.

**E. Cultural Resources (Class III) – No Class III effects.**

**F. Greenhouse Gas Emissions**

**Impact GHG-1.** The CPU is generally consistent with the County's qualified GHG reduction strategy – the EnergyWise Plan. As a result, buildout under the CPU would not result in generation of GHG emissions that may have a significant effect on the environment. Additionally, the proposed CPU would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Therefore, impacts would be Class III, less than significant.

**G. Hazards and Hazardous Materials**

**Impact HAZ-1.** Development facilitated by the CPU may involve the routine transport, use, or disposal of substantial amounts of hazardous substances. All development which would occur under the CPU would be required to comply with local policies and regulations for the control of hazardous materials. Therefore, impacts would be Class III, less than significant.

**Impact HAZ-2.** As a result of the CPU for San Miguel, development would occur near railways and roadways on which accidents that involve hazardous materials could occur. Such accidents could potentially create a significant hazard to the public or environment through the release of hazardous materials into the environment. However, compliance with existing regulations would ensure that impacts remain Class III, less than significant.

**Impact HAZ-4.** Development facilitated by the CPU may occur in proximity to UPRR. Pursuant to Section 22.104.070A.3 of the County's Land Use Ordinance, projects within 135 feet of the railroad are required to submit a Phase II Environmental Site Assessment and soil test results prior to application for construction, grading, or land use permits. Compliance with this requirement would ensure that development under the CPU would not result in degradation of water quality from hazardous materials associated with UPRR. Impacts would be Class III, less than significant.

**Impact HAZ-6.** The San Miguel community is located within Camp Roberts Influence Areas and airfields. However, the CPU would be developed in accordance with the recommendations of the Camp Roberts Joint Land Use Study, which would prevent

any conflict between the military installation and surrounding communities. Therefore, impacts would be Class III, less than significant.

**Impact HAZ-7.** The Community of San Miguel currently possesses access points and internal roadways designed to accommodate emergency responders. The CPU proposes upgrades to the existing circulation, which includes these access points and internal roadways. Therefore, the CPU would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be Class III, less than significant.

**Impact HAZ-8.** The CPU study area is located in an area subject to a high fire threat. However, new development located in San Miguel would be required to comply with existing regulations intended to minimize the potential effects associated with wildfires, impacts related to exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be Class III, less than significant.

#### **H. Hydrology and Water Quality**

**Impact HWQ-1.** The San Miguel CPU would facilitate new development and associated construction activities. Compliance with construction-phase and post-construction stormwater regulations would ensure that construction impacts would be Class III, less than significant.

**Impact HWQ-3.** The San Miguel CPU would introduce new water demands associated with residential and commercial development. This demand would be met using local groundwater produced by the SMCSO from the Paso Robles Groundwater Basin. Although the Paso Robles Groundwater Basin is currently in overdraft, compliance with existing requirements would ensure that impacts remain Class III, less than significant.

**Impact HWQ-4.** Competition for groundwater could impair agricultural use, or result in conversion of agriculture to other uses. However, given the extent of the groundwater depression and the relatively small change in groundwater levels in most of the wells in the San Miguel area, as well as the distance between SMCSO wells and nearby agriculture, the CPU would not result in well inference. This is a Class III, less than significant, impact.

**Impact HWQ-5.** The majority of land uses effected the CPU do not occur within an identified floodplain or flood hazard area. However, the CPU proposes to re-designate a portion of land within the Salinas River floodplain from Residential Suburban to Residential Multi-Family. As a portion of this site is within the designated Flood Hazard area, this re-designation has the potential to result in development within the flood plain of the Salinas River. This is a Class III, less than significant, impact.

#### **I. Land Use (Class III) -- No Class III effects.**

#### **J. Noise (Class III)**

**Impact N-4.** Traffic generated by the CPU is not anticipated to result in significant noise level increases at existing sensitive receptors or to cause future sensitive receptors to be exposed to a noise level that exceeds County thresholds. This is a Class III, less than significant impact.

#### **K. Public Services (Class III)**

**Impact PS-1.** CPU buildout would not increase police response times above the established goals for the County. As a result, the increase in residential units and commercial square footage within the CPU area would not require new or expanded police facilities. Additionally, future developers would be required to pay impact mitigation fees. This impact would be Class III, less than significant.

**Impact PS-2.** Buildout of the CPU would increase the existing San Miguel population which would place additional demand on existing fire protection services. Although unacceptable service ratios and response times may result, County requirements would be incorporated into the CPU buildout plans to ensure adequate facilities, equipment, and personnel to meet the demands in the study area. Additionally, future developers would be required to pay impact mitigation fees. This impact would be Class III, less than significant.

**Impact PS-3.** The increase in students as a result of buildout associated with San Miguel CPU may create the need for an additional elementary school or possible expansion of the existing schools, the construction of which could cause environmental impacts. However, the applicant would be required to pay State-mandated school impact fees therefore, impacts relating to school capacity and facilities would be Class III, less than significant.

**Impact PS-4.** The CPU would further exacerbate existing insufficient library spaces in San Miguel. However, the CPU envisions the expansion of existing library facilities and future project applicants would be required to pay impact mitigation fees. Therefore, impacts to library services and facilities would be Class III, less than significant.

**Impact PS-5.** Adequate capacity at the landfill in the City of Paso Robles is available to serve the CPU, and new or expanded facilities would not be needed to serve the CPU. Therefore, impacts would be Class III, less than significant.

**L. Recreation (Class III) – No Class III effects.**

**M. Transportation (Class III)**

**Impact T-1.** Implementation of the CPU would increase traffic on the surrounding street network. This project-generated traffic would cause one intersection to exceed County standards under Cumulative (2035) Base Plus Project traffic conditions; however, project design features would reduce this impact below County standards. Impacts associated with the CPU would be Class III, less than significant.

**Impact T-2.** Development in San Miguel, facilitated by the CPU, would not include any hazardous design features. Impacts associated with the CPU would be Class III, less than significant.

**Impact T-3.** The CPU would not generate public transit, pedestrian or bicycle trips that would decrease the performance or safety of such facilities. Impacts associated with the CPU would be Class III, less than significant.

**N. Wastewater (Class III)**

**Impact WW-1.** The San Miguel CPU would involve development which would increase generation of wastewater and necessitate new or expanded wastewater infrastructure in the community. Compliance with wastewater discharger requirements and development of wastewater improvements under SMCS D's Master Sewer Plan would ensure impacts related to wastewater would be Class III, less than significant.

<b>V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)</b>
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*Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.*

**A. Aesthetics (Class II) -- No Class II impacts.**

**B. Agricultural Resources – No Class II impacts.**

**C. Air Quality (Class II)**

1. **Impact AQ-1.** Construction activity within the CPU study area would generate temporary increases in localized air pollutant emissions. These emissions would occur in proximity to existing and future residents within the community. This impact would be Class II, significant but mitigable.

**a. Mitigation**

**AQ-1(a) Community Plan Safety/Health Guidelines and Standards.** The following language shall be added as subsection “g.” in Section 9-6.1: Communitywide of the CPU:

**Construction Equipment Emissions Reductions.** Construction projects shall implement the following emissions control measures so as to reduce diesel particulate matter in accordance with SLOAPCD requirements.

- Maintain all construction equipment in proper tune according to manufacturer’s specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB’s Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB’s 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOX exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;
- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;



- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

**AQ-1(b) Community Plan Safety/Health Guidelines and Standards.** The following language shall be added as subsection “h.” in Section 9-6.1: Communitywide of the CPU:

**Fugitive Dust Control Measures.** Construction projects shall implement the following dust control measures so as to reduce PM10 emissions in accordance with SLOAPCD requirements.

- Reduce the amount of the disturbed area where possible;
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- All dirt stock pile areas should be sprayed daily as needed;
- Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible after grading unless seeding or soil binders are used;
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;

- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
  - All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
  - The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20 percent opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.3.
- c. Supportive Evidence** – Please refer to Impact AQ-1 in Section 4.3, *Air Quality*, of the Final EIR.
- 2. Impact AQ-2.** The CPU would not expose residential uses or other sensitive receptors within the study area to substantial toxic air contaminants or naturally occurring asbestos. However, construction activities could generate dust and expose sensitive receptors to potential health hazards associated with the *Coccidioides* fungus (Valley Fever). Impacts would be Class II, significant but mitigable.
- a. Mitigation**
- AQ-2 Community Plan Safety/Health Guidelines and Standards.** The following language shall be added as subsection “i.” in Section 9-6.1: Communitywide of the CPU:
- Valley Fever Exposure Reduction.** For all projects requiring a grading permit, in addition to requiring compliance with the SLOAPCD fugitive dust control measures, developers or other applicants shall incorporate applicable recommendations from the Public Health Department regarding recognition and control of Valley Fever in safety plans and worker training material. Recommendations include a combination of worker training, dust control, equipment enclosures and/or respirators for employees, provision of clean eating areas and washing facilities, measures to clean equipment and all clothing and material that may leave the grading site to prevent offsite transport, and proper medical surveillance for employees.
- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have

been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.3.

- c. **Supportive Evidence** – Please refer to Impact AQ-1 in Section 4.3, Air Quality, of the Final EIR.

**D. Biological Resources (Class II)**

- 1. **Impact BIO-1:** Development facilitated by the CPU could have a substantial adverse effect on candidate, sensitive, or special-status species. This impact would be Class II, significant but mitigable.

- a. **Mitigation**

**BIO-1(a) Community Plan Natural Resources Policies.** The following language shall be added as a new policy in Section 4-1.3 of the CPU:

**Special Status Species Habitat Loss Minimization.** The County shall work with future applicants to encourage preservation or enhancement of upland habitat for wildlife species to the maximum extent feasible on parcels slated for development containing suitable habitat (e.g. areas used for foraging, breeding, dispersal, etc.). To the extent feasible, habitat preservation and enhancement should be encouraged throughout the CPU area in a way that promotes regional connectivity by siting preserved or enhanced areas in a way that they are connected to other preserved or enhanced areas and/or suitable habitat to the extent feasible. Siting of preserved or enhanced areas in a way in which they are isolated should be discouraged.

**BIO-1(b) Community Plan Natural Resources Implementing Programs.** Because of the programmatic structure of the San Miguel CPU and specific impacts for a given private or public project are unknown at this time, both private and public projects are likely to impact sensitive biological resources (to be determined upon completion of final designs). As such, the following language shall be added as a new program in Section 4-1.4 of the CPU:

**Biological Resources Assessment.** Applicants shall have a County-approved biologist conduct a biological resources assessment (BRA) to document the existing biological resources within the project footprint plus a buffer and to determine the potential impacts to those resources as part of the environmental review process. The BRA shall conform to the requirements presented in the County guidance document, Guidelines for Biological Resources Assessments - Guidelines for Biological Consultants.

**BIO-1(c)** The following language shall be added to the BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Special Status Plant Species Surveys.** If completion of the project-specific BRA determines that special status plant species may occur on-site, surveys for special status plants shall be completed. The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species identified in the project-specific BRA. All plant surveys shall be conducted by a County-approved biologist no more than two years before initial ground disturbance. All special status plant species identified on-site shall be mapped onto a site-specific aerial photograph and topographic map. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and approval.

- BIO-1(d)** The following language shall be added to the proposed BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Special Status Plant Species Avoidance, Minimization, and Mitigation.** If Federal listed, State listed or California Rare Plant List 1B species are found during special status plant surveys [pursuant to mitigation measure B-1(b)], then the project shall be re-designed to avoid impacting these plant species, if feasible. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 ft of disturbance limits of construction shall have bright orange protective fencing installed at least 30 ft beyond their extent, or other distance as approved by a County-approved biologist, to protect them from direct and indirect impacts.

- BIO-1(e)** The following language shall be added to the proposed BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Restoration and Monitoring.** If special status plant species cannot be avoided and will be impacted by either private development or those public projects identified in Section 2.0, all impacts shall be mitigated at a minimum ratio of 2:1 (number of acres/individuals restored to number of acres/individuals impacted) for each species. A restoration plan shall be prepared and submitted to the County as well as other State or Federal agencies as appropriate (for instance, if a State listed plant is involved). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type);

- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved];
- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values);
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan);
- Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule);
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports);
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type;
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria;
- Notification of completion of compensatory mitigation and agency confirmation; and
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

**BIO-1(f)** The following language shall be added to the proposed BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Special Status Species Habitat Assessment and Protocol Surveys.** Specific habitat assessment and survey protocol surveys are established for several special status species. If the results of the BRA determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or USFWS as well as County (if applicable) protocols prior to issuance of any construction permits. If through consultation with the CDFW and/or USFWS it is determined that protocol habitat assessments/surveys are not required, said consultation shall be documented prior to issuance of any construction permits. Each protocol has different

survey and timing requirements. The applicants for each project shall be responsible for ensuring they understand the protocol requirements.

**BIO-1(g)** The following language shall be added to the proposed BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Special Status Species Avoidance and Minimization.** Several avoidance and minimization measures can be applied for a variety of species to reduce the potential for impact, with the final goal of no net loss of the species. The following measures may be applied to aquatic and/or terrestrial species and should be applied to each project as applicable. It should be noted that if an Endangered or Threatened species may be impacted by a given project, the CDFW and/or USFWS would likely require additional permits to authorize take under the Federal Endangered Species Act and California Endangered Species Act. These permits would also include additional measures and requirements in which project applicants will need to comply with.

- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, if feasible, to avoid impacts to sensitive aquatic species.
- Pre-construction clearance surveys shall be conducted within 14 days of the start of construction (including staging and mobilization) by a County-approved biologist. The surveys shall cover the entire disturbance footprint plus a minimum 200 foot buffer, if feasible, and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through direct capture or through passive exclusion (e.g., American badger). The results of the pre-construction survey shall be submitted to the County and construction shall not commence without authorization from the County.
- All projects occurring within or adjacent to sensitive habitats that may support special status species shall have a County-approved biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for Endangered/Threatened species, as appropriate.

Alternatively, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are begin fully implemented.

- No Endangered/Threatened species shall be captured and relocated without expressed permission from the CDFW and/or USFWS.
- If at any time during construction of the project an Endangered/Threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. A CDFW/USFWS-approved biologist shall document the occurrence and consult with the CDFW and/or USFWS as appropriate.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
- At the end of each work day, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- Upon completion of the project, a qualified biologist shall prepare a Final Compliance report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted to the County within 30 days of completion of the project.
- If special status bat species may be present and impacted by the project, a qualified biologist shall conduct within 30 days of the start of construction presence/absence surveys for special status bats in consultation with the CDFW where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, structures and other areas where bats may roost. If active roosts are located, exclusion devices such as netting shall be installed to discourage bats from occupying the site. If a roost is determined by a qualified biologist to be used by a large number of bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a qualified biologist that the young have dispersed. If the maternity colony cannot be avoided, projects shall be redesigned to avoid the colony. If redesign is not feasible the maternity colony can only be

removed in consultation with and authorization from the County and CDFW. For State listed bat species in addition, a maternity colony can only be removed if authorized by the CDFW and covered under an incidental take permit.

- BIO-1(h)** The following language shall be added to the proposed BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Preconstruction Surveys for Nesting Birds.** For construction activities occurring during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a County-approved biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire segment disturbance area plus a 500 ft buffer around the site. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the qualified biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 300 ft for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A County-approved biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. The results of the pre-construction survey shall be submitted to the County and construction shall not commence without authorization from the County.

- BIO-1(i)** The following language shall be added to the proposed BRA program [Mitigation Measure BIO-1(b) above] in Section 4-1.4 of the CPU and shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and impacted by the project.

**Worker Environmental Awareness Program (WEAP).** Prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a County-approved biologist, to aid workers in recognizing special status resources that may occur in the project area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form



documenting provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The form shall be submitted to the County to document compliance.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.1.
- c. Supportive Evidence** – Please refer to Impact BIO-1 in Section 4.4, *Biological Resources*, of the Final EIR.
- 2. Impact BIO-2:** Development facilitated by the CPU could have a substantial adverse effect on the San Joaquin kit fox and its habitat. Impacts would be Class II, significant but mitigable.
- a. Mitigation**
- BIO-2 SJKF Habitat Mitigation.** The following Policy shall be added to Section 4.1.3 of the CPU:
- In order to mitigate for loss of SJKF habitat, the following mitigation ratios shall apply, based on the location of development:
- Low quality SJKF habitat within Developed-Urban areas: No ratio
  - Developed-Rural areas: 1:1
  - Agricultural areas currently in vineyard production: 1:1
  - Agricultural forage production areas: 2:1
  - All other areas consisting of medium quality habitat associated with the Salinas River: 2:1
  - High quality habitat: 4:1
  - The CPU shall also incorporate Figure 4.4-6.
- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.1.
- c. Supportive Evidence** – Please refer to Impact BIO-2 in Section 4.4, *Biological Resources*, of the Final EIR.
- 3. Impact BIO-3:** Development facilitated by the CPU could have a substantial adverse effect on sensitive habitats, including riparian areas. Impacts would be Class II, significant but mitigable.
- a. Mitigation**
- BIO-3(a) Community Plan Guidelines and Standards.** The following language shall be added to Section 9.6-1: Communitywide of the CPU:

**Riparian Setbacks.** The County, or resource agencies if applicable, shall determine a minimum development setback (recommend a minimum of 25 feet), from any areas of willow-cottonwood riparian forest associated with the Salinas River and its tributaries within the Plan area. Larger setbacks could be determined by the County on a project by project basis, such as for occupied buildings, if deemed appropriate. Exception to riparian setbacks would be public projects of low impact such as development of proposed trails.

The setback would be determined from the edge of riparian vegetation. The edge of riparian habitat should be delineated by a qualified biologist, and this delineated line should be included in site plans, before a grading permit is issued.

**BIO-3(b) Community Plan Natural Resource Implementing Programs.**

The following language shall be added as a new program in Section 4-1.3 of the CPU:

**Sensitive Communities Minimization.** To the maximum extent feasible, trail development should be designed to avoid impacts to willow-cottonwood riparian forest. All areas that can be avoided shall be demarcated in the field with highly visible orange construction fencing wherever possible to protect this vegetation community that will not be impacted during construction. A County-approved botanist shall provide oversight during the installation of the fence and he or she or a designee (e.g., construction foreman) will return to the site once a week during the duration of construction activities to ensure that the fence remains intact.

**BIO-3(c) Community Plan Natural Resource Implementing Programs.**

The following language shall be added as a new program in Section 4-1.3 of the CPU:

**Willow-cottonwood Riparian Forest Restoration and Monitoring.** If trail development, notably the proposed Airport Loop Trail and Salinas River Trail, cannot avoid impacts to this vegetation community, a County-approved biologist shall prepare a Habitat Restoration Plan in accordance with the requirements described in Mitigation Measure BIO-1(e) of the CPU EIR. Compensatory mitigation ratios for this vegetation community shall be a minimum of 2:1 ratio (area restored/created/enhanced: area lost). Mitigation for loss of or trimming of trees shall be done according to the tree removal and trimming standards set forth by the County.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.1.
- c. Supportive Evidence** – Please refer to Impact BIO-3 in Section 4.4, Biological Resources, of the Final EIR.

4. **Impact BIO-4.** Development facilitated by the CPU could have a substantial adverse effect on Federally protected wetlands as defined by section 404 of the Clean Water Act. Impacts would be Class II, significant but mitigable.

a. **Mitigation**

**BIO-4(a) Community Plan Natural Resource Implementing Programs.**

The following language shall be added as a new program in Section 4-1.3 of the CPU:

**Jurisdictional Delineation.** If future trail development occurs within or adjacent to wetlands, drainages, riparian habitats, or other areas that may fall under the jurisdiction of the CDFW, USACE, and/or RWQCB, a County-approved biologist shall complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for each of these agencies and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the County, USACE, RWQCB, and CDFW, as appropriate, for review and approval.

**BIO-4(b) Community Plan Natural Resource Implementing Programs.**

The following language shall be added as a program in Section 4-1.3 of the CPU:

**Jurisdictional Waters and Wetlands Restored.** Impacts to jurisdictional waters and wetlands shall be mitigated at a minimum ratio of 2:1 (area restored/created/enhanced: area lost), which is typically the standard for the USACE and RWQCB; but it should be noted that these agencies could request more mitigation during the permitting process. Furthermore, the CDFW mitigation ratios typically range between 3:1 and 5:1 for temporary and permanent impacts, respectively. Mitigation shall occur on-site or as close to the impacted habitat as possible. A mitigation and monitoring plan shall be developed by a County-approved biologist in accordance with the requirements described in BIO-1(e) of the CPU EIR.

**BIO-4(c) Community Plan Guidelines and Standards.** The following language shall be added to Section 9.6-1: Communitywide of the CPU:

**Construction Best Management Practices During**

**Construction.** The following best management practices shall be required for development within or adjacent to jurisdictional areas.

- Access routes, staging, and construction areas shall be limited to the minimum area necessary to achieve the project goal and minimize impacts to other waters including locating access routes and construction areas outside of jurisdictional areas to the maximum extent feasible.
- To control sedimentation during and after project implementation, appropriate erosion control materials shall be deployed to minimize adverse effects on jurisdictional areas in the vicinity of the project.

- Project activities within the jurisdictional areas should occur during the dry season (typically between June 1 and November 1) in any given year to the extent practicable, or as otherwise directed by the regulatory agencies.
  - During construction, no litter or construction debris shall be placed within jurisdictional areas. All such debris and waste shall be picked up daily and properly disposed of at an appropriate site.
  - All project-generated debris, building materials, and rubbish shall be removed from jurisdictional areas and from areas where such materials could be washed into them.
  - Raw cement, concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances which could be hazardous to aquatic species resulting from project-related activities, shall be prevented from contaminating the soil and/or entering jurisdictional areas.
  - All refueling, maintenance, and staging of equipment and vehicles shall occur at least 60 feet from bodies of water where possible, and in a location where a potential spill would not drain directly toward aquatic habitat (e.g., on a slope that drains away from the water source). Reduced distances shall be approved by the County. Prior to the onset of work activities, a plan must be in place for prompt and effective response to any accidental spills. All workers shall be informed of the importance of preventing spills and of the appropriate measures to take should an accidental spill occur.
- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.1.
- c. Supportive Evidence** – Please refer to Impact BIO-4 in Section 4.4, Biological Resources, of the Final EIR.
- 5. Impact BIO-5.** Development facilitated by the CPU could interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, including wildlife movement corridors. Impacts would be Class II, significant but mitigable.
- a. Mitigation**
- BIO-5 Lighting Design.** The following Policy shall be added to Section 3-5.1 of the CPU:
- Lighting installed as part of any project shall be designed to be minimally disruptive to wildlife. This may be accomplished through the use of hoods to direct light away from natural habitat, using low intensity lighting, and using a few lights as necessary to achieve the goals of the project.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.1.
  - c. **Supportive Evidence** – Please refer to Impact BIO-5 in Section 4.4, Biological Resources, of the Final EIR.
6. **Impact BIO-6.** Development facilitated by the CPU could conflict with local policies and ordinances protecting biological resources. Impacts would be Class II, significant but mitigable.

### a. Mitigation

**BIO-6 Community Plan Resource Protection Policies.** The following language shall be added to Policy 4-6 of the CPU:

If it is determined that construction may impact trees protected by County, the applicant shall procure all necessary tree removal permits. A tree protection plan shall be developed by a certified arborist as appropriate and in conformance with County standards regarding oak protection. The plan shall include, but would not be limited to, an inventory of trees to within the construction site, setbacks from trees and protective fencing, restrictions regarding grading and paving near trees, direction regarding pruning and digging within root zone of trees, and requirements for replacement and maintenance of trees. If protected trees will be removed, replacement tree plantings of like species in accordance with County standards. If a protected tree shall be encroached upon but not removed, a certified arborist shall be present to oversee all trimming of roots and branches.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the CPU in Policy 4-7, and are included in the San Miguel Community Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.1.
- c. Supportive Evidence** – Please refer to Impact BIO-6 in Section 4.4, Biological Resources, of the Final EIR.

### E. Cultural Resources (Class II)

- 1. Impact CR-1.** Development consistent with the CPU through 2035 could result in damage to or destruction of historic resources in San Miguel. Impacts to historic resources would be Class II, significant but mitigable.

### a. Mitigation

**CR-1(a) Community Plan Resource Protection Policies.** The following language shall be added to Policy 4-9 of the CPU:

Where preservation is not feasible, the significance of each resource shall be evaluated according to current professional standards and appropriate mitigation measures shall be

implemented prior to County approval of any development. Mitigation may include, but not be limited to, data recovery and graphic documentation (photographs, drawings, etc.).

Alterations and/or the adaptive reuse of historical resources shall conform to the Secretary of the Interior's Standards. Prior to a project's approval, the County should confirm that a proposed project that contains a historical resource will conform to the Secretary of the Interior's Standards, or implement other feasible mitigation measures such that significant adverse impacts on historic resources will be reduced or avoided.

**CR-1(b) Community Plan Resource Protection Implementing Programs.** Program 4-5 of the CPU shall be revised to include the following language:

**Identify Historic Resources and Buildings.** At the time of application for discretionary land use permits, subdivisions, or construction or demolition permits that involve the demolition, substantial alteration, or relocation of buildings or structures that were identified in the Historic Resources Inventory prepared by San Buenaventura, the applicant shall retain a historian or architectural historian who meets the Secretary of Interior's Professional Qualifications Standards to document and evaluate the historical significance of the affected buildings or structures. This includes buildings or structures within the proposed URL that have a field verified date of construction of 1965 or earlier and an integrity score of (0) or (1), or previously unevaluated properties older than 45 years of age (identified in Appendix A, Tabular Survey Results, contained in Appendix E of the CPU EIR). If such documentation and evaluation indicates that the building or structure qualifies as a significant historical resource, further documentation to reduce impacts on historical resources shall be provided, including but not limited to archival quality photographs, measured drawings, oral histories, interpretive signage, and/or other measures

**b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.2.a. through c.

**c. Supportive Evidence** – Please refer to Impact CR-1 in Section 4.5, Cultural Resources, of the Final EIR.

**2. Impact CR-2.** Development facilitated by the CPU through 2035 could result in disturbance of archeological sites within and near San Miguel. Impacts to archeological resources would be Class II, significant but mitigable.

**a. Mitigation**

**CR-2(a) Community Plan Resource Protection Implementing Programs.** The following language shall be added as Program 4-8 of the CPU:

**Identify Archeological Resources.** At the time of application for discretionary land use permits or subdivisions that will involve any grading, trenching, or other ground disturbance, future applicants shall retain a County qualified Registered Professional Archaeologist to complete a Phase 1 archaeological inventory of the project site. In addition to the surface survey, the inventory shall include sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present.

Any prehistoric or historic archaeological remains so identified shall be evaluated for significance and eligibility to the CRHR. Phase 2 evaluation shall include any necessary archival research to identify significant historical associations as well as mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit to characterize the nature of the sites, define the artifact and feature contents, determine horizontal boundaries and depth below surface, and retrieve representative samples of artifacts and other remains. Any excavation at Native American sites shall be monitored by a tribal representative. Cultural materials collected from the sites shall be processed and analyzed in the laboratory according to standard archaeological procedures. The age of the remains shall be determined using radiocarbon dating and other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)" (<http://ohp.parks.ca.gov/pages/1054/files/armr.pdf>). Upon completion of the work, all artifacts, other cultural remains, records, photographs, and other documentation shall be curated at the Repository for Archaeological and Ethnographic Collections of the University of California, Santa Barbara, or another facility approved by the Environmental Coordinator. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.

If any of the resources meet CRHR significance standards, the County Environmental Coordinator shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and any permits issued for development. Any necessary data recovery excavation shall be carried out by a County qualified Registered Professional Archaeologist according to a research design reviewed and

approved by the County Environmental Coordinator prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), Guidelines for Archaeological Research Design, or the latest edition thereof.

- CR-2(b) Community Plan Resource Protection Implementing Programs.** The following language shall be added as Program 4-9 of the CPU:

**Preservation of Historic Resources During Infrastructure Development.** Development of sidewalks, drainage structures, parking facilities, or the installation of underground utilities in San Miguel shall be done in a manner that preserves the integrity of historical resources, as feasible. Plans for any such development shall be reviewed by the County Environmental Coordinator or a designated historical consultant in coordination with the Public Works Department and applicable utility companies. If necessary, Phase 1 archaeological or historical surveys and Phase 2 testing and evaluation shall be completed prior to development, following the same standards and guidelines as outlined under Program 4-8. Measures to avoid, reduce, or mitigate adverse impacts shall be incorporated into project design.

New recreational sites (parks, trails, and related developments) shall be sited and designed to avoid impacts to archaeological and historical resources. Prior to approval of grading permits, proposed recreation sites should be surveyed and redesigned where necessary to avoid archaeological or historical resources, subject to final approval by the County Environmental Coordinator.

- b. Findings –** Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.2.d.
  - c. Supportive Evidence –** Please refer to Impact CR-2 in Section 4.5, Cultural Resources, of the Final EIR.
- 3. Impact CR-3.** Development facilitated by the CPU could result in disturbance of sediments with high paleontological sensitivity that are located throughout the CPU study area. Impacts to paleontological resources would be Class II, less than significant with the incorporation of mitigation.

**a. Mitigation**

- CR-3 Community Plan Resource Protection Implementing Programs.** The following language shall be added as Program 4-10 of the CPU:

**Paleontological Resource Construction Monitoring.** Any excavations that exceed five feet in depth in areas with high paleontological sensitivity below five feet as mapped on Figure 4.5-4 of the CPU EIR shall be monitored on a full-time basis by a



qualified paleontological monitor. Ground disturbing activity that does not exceed five feet in depth in these areas shall not require paleontological monitoring. If no fossils are observed during the first 50 percent of excavations exceeding three feet in depth, or if the qualified paleontologists can determine that excavations are not disturbing Pleistocene or Pliocene aged sediments, then paleontological monitoring shall be reduced to weekly spot-checking under the discretion of the qualified paleontologist.

**Fossil Salvage.** If fossils are discovered, the qualified paleontologist (or paleontological monitor) shall recover them. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.2.e
- c. Supportive Evidence** – Please refer to Impact CR-2 in Section 4.5, Cultural Resources, of the Final EIR.

**F. Greenhouse Gas Emissions** – No Class II impacts.

**G. Hazards/Hazardous Materials**

- 1. Impact HAZ-3.** Due to the presence of current and historic agricultural practices in portions of the CPU area, on-site soils may contain contaminants that could pose a risk to health. Impacts related to exposure to residual chemicals in the soil would be Class II, significant but mitigable.

**a. Mitigation**

**HAZ-3 Community Plan Guidelines and Standards.** The following language shall be added as subsection “viii.” to subsection c. Indian Valley Area (See Figure 3-M) – Residential Single Family and Commercial Service in Section 9-6.4: Multiple Land Use Category Sites:

**Soil Sampling and Remediation.** Prior to issuance of any grading permits for urban development on the Indian Valley Road site (APN 027-420-017) or other areas historically used for agriculture, a contaminated soil assessment shall be completed. Soil samples

shall be collected under the supervision of a professional geologist or professional civil engineer to determine the presence or absence of contaminated soil in these areas. The sampling density shall be in accordance with guidance from San Luis Obispo County Environmental Health Services, so as to define the volume of soil that may require remediation. Laboratory analysis of soil samples shall be analyzed for the presence of organochlorine pesticides, in accordance with EPA Test Method SW8081A. If soil sampling indicates the presence of pesticides exceeding applicable environmental screening levels, the soil assessment shall identify the volume of contaminated soil to be excavated.

If concentrations of contaminants warrant remediation, contaminated materials shall be remediated prior to grading and construction activities, and an ESA shall be prepared. Cleanup may include excavation, disposal, bio-remediation, or any other treatment of conditions subject to regulatory action. All necessary reports, regulations and permits shall be followed to achieve cleanup of the site. The contaminated materials shall be remediated under the supervision of an environmental consultant licensed to oversee such remediation and under the direction of the lead oversight agency. The remediation program shall also be approved by a regulatory oversight agency, such as the San Benito County Environmental Health Services, RWQCB, or the Department of Toxic Substances Control. All proper waste handling and disposal procedures shall be followed. Upon completion of the remediation, the environmental consultant shall prepare a report summarizing the project, the remediation approach implemented, and the analytical results after completion of the remediation, including all waste disposal or treatment manifests.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.G.9.
  - c. Supportive Evidence** – Please refer to Impact HAZ-3 in Section 4.7, Hazards/Hazardous Materials, of the Final EIR.
- 2. Impact HAZ-5.** Seven hazardous materials sites listed pursuant to Government Code Section 65962.5 have been identified within the CPU study area. Two of the seven identified sites possess an “inactive-needs evaluation” cleanup status. Therefore, impacts would be Class II, significant but mitigable.

- a. Mitigation**

- HAZ-5 Community Plan Guidelines and Standards.** The following language shall be added to Section 9-6.1: Communitywide of the CPU:

- Preliminary Endangerment Assessment.** Due to the cleanup status and the potential presence of unknown contaminants of concern associated with the San Miguel Rec Site and San Miguel

War Housing Project cleanup sites, applicants for building plans or grading permits for development within 500 feet of these sites shall submit a Preliminary Endangerment Assessment (PEA) or equivalent evaluation to the County Planning Department for review and approval.. The evaluation shall include a determination of whether no further action, removal, remedial action, or further extensive investigation of the site is necessary.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.G.10.
- c. Supportive Evidence** – Please refer to Impact HAZ-5 in Section 4.7, Hazards/Hazardous Materials, of the Final EIR.

## H. Hydrology and Water Quality

- 1. Impact HWQ-2.** The CPU would facilitate new residential and commercial development which may result in new sources of urban stormwater discharge and changes to existing stormwater facilities within the community of San Miguel, and some infill projects may be incapable of meeting post-construction standards. Mitigation would be required to reduce impacts associated with some long-term urban stormwater discharges to a less than significant level. Impacts would be Class II, less than significant with mitigation.

- a. Mitigation**

**HWQ-2 Post-Construction Stormwater Management Special Circumstances Program.** The following language shall be added to Program 7-5 of the CPU:

Any regulated project that cannot prepare a Stormwater Control Plan consistent with the requirements of Section 22.10.155 of the Land Use Ordinance shall be addressed in a plan that incorporates an acceptable alternative compliance procedure as provided in Section 22.10.155.G. of the Land Use Ordinance and in Section B.6 of Attachment 1 to RWQCB Resolution No. R3-2013-0032. Approval by the Executive Director of the RWQCB shall be provided to the County Department of Planning and Building prior to the issuance of a building permit for any such regulated project. In the event the San Miguel Drainage Plan is updated and implemented, and is approved by the Executive Director of the RWQCB as an acceptable watershed or regional drainage plan for purposes of post-construction stormwater management, then this mitigation measure will be fulfilled.

Possible measures that may be components of an alternative compliance plan include an adjustment of up to 10 percent in the runoff retention standard that otherwise applies to post-construction stormwater management. Control of runoff through a specific offsite improvement may be acceptable in some projects. Use and

justification of an alternate level of runoff control may be acceptable. The condition and flow characteristics of the receiving body of water, the Salinas River in this case, may influence the acceptability of an alternative compliance plan. Fulfilling objectives related to enhancing pedestrian-oriented and/or public transit-oriented development may also be a factor, although this would require approval of the San Miguel area as an “Urban Sustainability Area” prior to such consideration. This list is not exhaustive, since the RWQCB alternative compliance provisions also allow for “Other situations as approved by the Central Coast Water Board Executive Officer (RWQCB Resolution No. R3-2013-0032, Attachment 1, Section C.4).

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.A.9.
- c. Supportive Evidence** – Please refer to Impact HWQ-2 in Section 4.8, Hydrology and Water Quality, of the Final EIR.

## **I. Land Use**

- 1. Impact LU-2.** Construction activity within the CPU study area would generate temporary increases in localized air pollutant emissions and noise near sensitive receptors. However, construction activity would be required to comply with standard SLOAPCD construction equipment control measures and fugitive dust control measures and mitigation would be required to reduce noise impacts. Therefore, this impact would be Class II, significant but mitigable.

### **a. Mitigation**

Mitigation Measures AQA-1, AQ-2 and N-1 would mitigate impacts to a less than significant level. No further mitigation is recommended in order to reduce this impact.

- b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.B.3.e (construction noise) and B.3.a and b (construction emissions).

- c. Supportive Evidence** – Please refer to Impact LU-2 in Section 4.9, Land Use, of the Final EIR.

- 2. Impact LU-3.** Implementation of the San Miguel CPU could result in a total of 1,154 dwelling units and up to 210,000 square feet of commercial development. This level of development would alter the present land use on sites throughout the proposed URL, and may result in incompatibilities with adjacent existing and planned land uses. Impacts related to long-term land use conflicts would be Class II, significant but mitigable.

**a. Mitigation**

Measures described in Sections 4.1, Aesthetics, 4.2, Agricultural Resources, and 4.10, Noise.

**b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060.A (Communitywide Standards), B.3.e (construction noise) and B.4 (noise study for discretionary projects).

**c. Supportive Evidence** – Please refer to Impact LU-3 in Section 4.9, Land Use, of the Final EIR.

**J. Noise**

**1. Impact N-1.** Construction within the developed portions of the Community would generate noise and ground-borne vibration that could exceed County of San Luis Obispo standards at existing residential uses. Future residential uses and other sensitive receptors may also be exposed to noise and vibration levels that exceed County standards. This is a Class II, significant but mitigable impact.

**a. Mitigation**

**N-1 Community Plan Safety/Health Guidelines and Standards.** The following language shall be added to Section 9-6.1: Communitywide of the CPU:

**Noise and Vibration Reduction Plan.** Projects that involve grading, demolition, and/or construction on lots adjacent to occupied residential structures shall implement the following applicable performance standards to ensure that sensitive receptors are not adversely impacted by construction related noise:

- a) Notify existing residences within 1,000 feet of the site boundary concerning the construction schedule;
- b) Shield especially loud pieces of stationary construction equipment;
- c) Locate portable generators, air compressors, etc. away from sensitive noise receptors;
- d) Limit grouping major pieces of equipment operating in one area to the greatest extent feasible; and
- e) Use newer equipment that is quieter and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine covers, and engine vibration isolators intact and operational. Internal combustion engines used for any purpose on or related to the job shall be equipped with a muffler or baffle of a type recommended by the manufacturer.

**b. Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the

environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060. B.3.e (noise and vibration reduction plan).

- c. **Supportive Evidence** – Please refer to Impact N-1 Section 4.10, Noise, of the Final EIR.

- 2. **Impact N-2.** The CPU would allow commercial uses and other noise and vibration generating uses to be located near sensitive receptors. This could expose sensitive receptors to noise levels that exceed County of San Luis Obispo thresholds. This is a Class II, significant but mitigable impact.

- a. **Mitigation**

- N-2 **Community Plan Safety/Health Guidelines and Standards.** The following language shall be added as a subsection to Section 9-6.1 of the CPU:

- Noise Study.** Where new development would be located adjacent to existing residential uses, a site specific noise study should be conducted to demonstrate compliance with the County noise standards in the Land Use Ordinance (Section 22.10.120). For the purpose of this measure, “adjacent” is assumed to include properties immediately bordering the existing use where the existing structures are within 50 feet of the project site. This study shall determine the area of impact and present appropriate mitigation measures. The mitigation measures required as a result of the noise study may include:

- For new commercial uses, require the placement of loading and unloading areas so that commercial buildings shield nearby residential land uses from noise generated by loading dock and delivery activities or such that there is an open space separation large enough to attenuate noise levels below threshold.
    - Require the placement of all commercial HVAC machinery within mechanical equipment rooms wherever feasible. If such mechanical equipment is to be outdoors and would expose adjacent residences to equipment noise, provide a noise study to confirm that standards applicable to stationary noise sources in the County Noise Element and Land Use Ordinance will be met.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060. B.4 (noise study for discretionary projects), which is referenced in Section 9.6 of the community plan update.

- c. **Supportive Evidence** – Please refer to Impact N-2 Section 4.10, Noise, of the Final EIR.

3. **Impact N-3.** Railroad traffic on the UPRR has the potential to cause future sensitive receptors to be exposed to a noise level that exceeds County thresholds. This is a Class II, significant but mitigable impact.

a. **Mitigation**

**N-3 Community Plan Safety/Health Guidelines and Standards.** The following language shall be added to subsection d. Projects Along the Railroad of Section 9-6.1 of the CPU

**Exterior Noise Reduction.** Proposed residential development within 180 feet of the UPRR track shall be designed so that exterior use areas are shielded by walls or buildings to the extent feasible, in order to reduce exterior noise levels below the 60 dBA Ldn exterior threshold. Interior living spaces, particularly for multi-family dwelling units, shall comply with the interior 45 dBA Ldn standard.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060. A.5.b. through d. (Community Design Standards for projects along the railroad), which is referenced in Section 9.6 of the community plan update.
- c. **Supportive Evidence** – Please refer to Impact N-3 Section 4.10, Noise, of the Final EIR.

**K. Public Services** -- No Class II impacts.

**L. Recreation**

1. **Impact REC-1.** Development facilitated by the CPU would result in a projected population of 3,658 in San Miguel by 2035. The community is currently deficient in parkland and additional residents would exacerbate this deficiency. Mitigation would be required to ensure that planned recreational facilities are developed to reduce impacts to park and recreational facilities in San Miguel to a less than significant level. Therefore, impacts would be Class II, significant but mitigable.

a. **Mitigation**

**REC-1 Plan for parkland dedication in areas where the Urban Reserve Line is expanded.** The Community Plan Update shall include a policy that applies to expansions of the Urban Reserve Line that requires identification of useable open space for parkland purposes, within areas where the URL is expanded. The policy should use substantially similar language to that which follows:

Identify suitable land for community and neighborhood parkland when the Urban Reserve Line is expanded to allow for intensification of land use elopement.

- b. **Findings** – Changes or alterations have been required in, or incorporated into, the program which mitigate or avoid the significant effects on the environment to a level of insignificance. These changes or alterations have been incorporated into the San Miguel Community Design Standards, (Appendix A of the Community Plan Update) as Section 22.104.060. A.10.

- c. **Supportive Evidence** – Please refer to Impact REC-1 Section 4.12, Recreation, of the Final EIR.

**M. Transportation** -- No Class II impacts.

**N. Wastewater** -- No Class II impacts.

<b>VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)</b>
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*The unavoidable significant impacts of the program are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the program may result in the following significant, unavoidable environmental impacts:*

**A. Aesthetics and Visual Resources (Class I)** – No Class I Impacts.

**B. Agricultural Resources (Class I)**

1. **Impact AG-2.** Future buildout of the CPU would not result in conversion of FMMP-designated Important Farmland. However, buildout of the CPU would result in the permanent conversion of 34 acres of County-designated prime agricultural land to non-agricultural use. The loss of County-designated prime agricultural land would be Class I, significant and unavoidable.

a. **Mitigation** –

**AG-2 Community Plan Guidelines and Standards.** The following language shall be added as subsection “ix.” to subsection c. Indian Valley Area (See Figure 3-M) – Residential Single Family and Commercial Service in Section 9-6.4: Multiple Land Use Category Sites of the CPU:

**Funding for Farmland Conservation.** Prior to the recordation of a final map or issuance of grading or construction permits for urban development on the Indian Valley Road site (APN 027-420-017), the applicant shall provide evidence to the County Planning and Building Department that funds sufficient (as determined by the Agricultural Commissioner or designee) to, (1) purchase a farmland conservation easement, deed restriction, or other farmland conservation mechanism, and (2) to compensate for administrative costs incurred in the implementation of this measure, have been provided to the California Farmland Conservancy Program or similar program (as approved by the Agricultural Commissioner or designee), which will provide for the conservation of farmland of similar quantity and quality to the converted farmland, within the same agricultural region as impact occurs in San Luis Obispo County, based on a 1:1 ratio.

- b. **Findings** – Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been included in Appendix A of the San Miguel Community Plan Update (Community Planning Standards) in Section 22.104.060.G.8. However, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. **Supportive Evidence** – Please refer to Impact AG-2 in Section 4.2, *Agricultural Resources*, of the FEIR.



- C. Air Quality (Class I) – No Class I Impacts.**
- D. Biological Resources (Class I) – No Class I Impacts.**
- E. Cultural Resources (Class I) -- No Class I Impacts.**
- F. Greenhouse Gas Emissions-- No Class I Impacts.**
- G. Hazards/Hazardous Materials-- No Class I Impacts.**
- H. Hydrology and Water Quality (Class I) – No Class I Impacts.**

**I. Land Use (Class I)**

- 1. Impact LU-1:** The CPU would be consistent with most applicable County General Plan policies and the County General Plan as a whole. However, the CPU would be partially inconsistent with several policies related to the expansion of the existing URL, such that agricultural land uses would be converted to residential and commercial uses. This impact would be Class I, significant and unavoidable.

- a. Mitigation –**

- Measures described in Sections 4.1 through 4.14 would mitigate impacts related to conflicts between the San Luis Obispo County General Plan and the CPU.

- b. Findings –** Changes or alterations have been required in, or can be incorporated in to the program which avoid or substantially lessen the significant environmental effects as identified in the Final EIR. These changes or alterations have been referenced in Chapter 9 of the San Miguel Community Plan update, and are included as Community Planning Standards in Appendix A of the CPU. These measures would reduce the potential for policy inconsistencies with respect to all issues, with the exception of the conversion of land considered prime farmland in the County Conservation and Open Space Element as described in Impact AG-2 above. The related land use impact can be reduced through funding to preserve offsite agricultural land, as discussed in Mitigation AG-2, but the impact would not be reduced to a less than significant level. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.

- c. Supportive Evidence –** Please refer to Impact LU-1 in Section 4.9, Land Use, of the FEIR.

- J. Noise (Class I) – No Class I Impacts.**
- K. Public Services (Class I) – No Class I Impacts.**
- L. Recreation (Class I) – No Class I Impacts.**
- M. Transportation (Class I) – No Class I Impacts.**
- N. Wastewater (Class I) – No Class I Impacts.**

## **VII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Findings pursuant to CEQA Guidelines sections 15092 and 15093.

- A.** Implementation of the San Miguel Community Plan Update (CPU) with the hybrid map of Alternative #4 to include expansion of the Urban Reserve Line, would result in the following significant, unmitigable, unavoidable adverse effects:
1. Buildout of the CPU would result in the permanent conversion of 34 acres of County-designated prime agricultural land to non-agricultural use (Impact AG-2).
  2. The CPU would be partially inconsistent with several policies related to the expansion of the existing URL, such that agricultural land uses would be converted to residential and commercial uses (Impact LU-1).
3. **B. Findings** – The County has weighed the benefits of the San Miguel Community Plan Update against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the County finds that the benefits of the project outweigh its unavoidable adverse environmental impacts.
- C. Supporting Evidence**
1. Social, Economic and Environmental Benefits. The San Miguel Community Plan Update (CPU) would result in the following social, economic, and environmental benefits:
    - a. Buildout consistent with the CPU would provide economic and social benefits to San Luis Obispo County in the form of job creation, increased housing opportunity, increased spending, and sales tax revenues within the San Miguel Community.
    - b. Development in accordance with the Community Plan will provide high quality new housing (up to 417 new dwellings) and non-residential development that will complement the existing housing stock and built environment.
    - c. Commercial retail and service components of the CPU would generate approximately 252 new jobs and commensurate economic activity in the San Miguel area (based on the County of San Luis Obispo's Public Facilities Financing Plan factors of two employees per 1,000 square feet of retail space).
    - d. Retail commercial and service uses of the CPU would provide jobs within the local area, close to new housing and residents generated by development consistent with the CPU.
    - e. The CPU would accommodate a population of up to approximately 1,300 new residents in San Miguel (based on maintaining the occupancy of 3.17 persons per dwelling unit in the 2010 census). These new residents would increase activity in existing and new retail establishments. The increase in economic activity generated by the new residents in the community, and growing visitor uses associated with the U.S. Highway 101 corridor and tourism activity, would increase the demand for services, such as restaurants, gasoline stations, landscaping/gardening, home cleaning and maintenance, and other domestic services.

- f. Development consistent with the CPU would feature several characteristics that would reduce transportation average energy demand, including: compact development, pedestrian and bicycle connections, walkability, mixed-use development, and public transit opportunities.
- g. The CPU would provide land uses that contribute to an orderly, appropriately scaled and economically healthy village center with a range of commercial, residential, civic, cultural and recreational uses.
2. Mitigation Enhancement. The Final EIR identifies mitigation measures that will substantially lessen the significant effects of the project, and these have been incorporated into the San Miguel Community Standards contained in Appendix A of the CPU, and would be included within section 22.104.060 of Title 22 of the County Code. Specifically, Section 22.104.060.G.8 provides for funding to assist in preservation of agricultural lands.
3. Mitigation Measures Not Adopted. None of the mitigation measures recommended in the Final EIR for the Compact Development Alternative have been excluded.
4. Alternatives. Based on the nature of the significant and not mitigated impact (conversion of important agricultural land to developed uses) the only alternatives considered in the Final EIR capable of avoiding this impact are: Alternative 1: No Project/Current Plan, Alternative 2: No Project/No Further Growth, and Alternative 3: Agriculture Focused Alternative.

The following project alternatives identified in the Final Environmental Impact Report, although feasible from a technical standpoint, are rejected for their social, economic, and environmental characteristics, as summarized in the following paragraphs.

- **Alternative 1: No Project/Growth Under Current Plan.** This alternative would avoid the conversion of agricultural land in the URL expansion area proposed along Indian Valley Road, which is the location of the significant and unmitigable impacts associated with the CPU. It would result in a slightly smaller population (3,599 as opposed to 3,658 in the CPU) in a slightly greater number of dwellings (1,333 as opposed to 1,154 in the CPU). While the overall change might not be substantial, the pattern of development would involve a less compact community and the mix of land uses would provide less opportunity for retail and service commercial activity envisioned under the CPU. Thus, the social, economic, and environmental benefits identified above would not be achieved under this alternative.
- **Alternative 2: No Project/No Further Growth.** This alternative would also avoid the conversion of agricultural land within the URL, and would avoid the identified significant and unmitigable impacts to agriculture and land use associated with this issue. It would, however, be much less effective at meeting the identified needs of the community, implementing the objectives of the project, and achieving the social, economic, and environmental benefits identified above.
- **Alternative 3: Agriculture Focused Alternative.** The Final EIR identifies this alternative as the environmentally superior alternative, since it would avoid the identified significant and not mitigable impacts to agriculture and

land use associated with the conversion of agricultural land, and it would provide some benefits of the proposed CPU in promoting more diverse retail uses and housing types in the central portion of the San Miguel community. Under this alternative, the proposed extension of the URL to cover the 51 acre property along Indian Valley Road would not be included in the CPU. While this alternative would avoid the identified significant and unmitigable impact associated with the conversion of agricultural land, it would also delete the largest new opportunity for housing and new commercial services as well. The potential for up to 50 new residences and about 9,000 square feet of new commercial service uses would be removed from the CPU. These reductions represent about 5% of the proposed new housing and nearly 12% of the proposed new commercial uses. For this reason, this alternative would be much less effective at achieving the project objectives or achieving the social, economic, and environmental benefits identified.

## **VIII. CEQA GENERAL FINDINGS**

- A.** The County finds that changes or alterations have been incorporated into the San Miguel Community Plan Update to eliminate or substantially lessen all significant impacts where feasible. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the San Miguel Community Plan Update Final EIR. For those remaining significant effects on the environment found to be unavoidable, they are considered acceptable due to the overriding considerations described in Section VII, above.
- B.** The County finds that the San Miguel Community Plan Update, as approved with the hybrid map of Alternative #4 to include expansion of the Urban Reserve Line, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

## **IX. MITIGATION MONITORING PROGRAM**

- A.** The County of San Luis Obispo will be primarily responsible for ensuring that all project mitigation measures are complied with. Mitigation measures will be programmed to occur at, or prior to, the following milestones:
  - *Prior to Community Plan adoption.* These are measures where the Community Plan text was revised due to the EIR analysis prior to adoption of the Plan. Most of the specific mitigation measures are identified in Appendix A of the San Miguel Community Plan and/or included in the amendments to Title 22 of the County Code which accompany the Community Plan Update.
  - *Prior to building permit issuance.* These are measures where the County needs to review and approve proposed plans of individual projects before they are constructed.
  - *Prior to grading permit issuance.* These are measures where the County needs to review and approve proposed plans of individual projects before grading commences.

## Attachment 7 - CEQA Findings

- *Prior to land use permit issuance.* These are measures where the County needs to review and approve proposed plans of individual projects prior to issuance of any land use permit.
- *Prior to final recordation.* These are measures where the County needs to review and approve proposed plans of individual projects prior map recordation of any subdivision.
- *Prior to occupancy clearance.* These are measures where the County needs to site inspect plans prior to occupancy clearance.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA.

- B.** As lead agency for the San Miguel Community Plan Update Final EIR, the County hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.